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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,735	07/31/2003	Sung-hee Hwang	1293.1890	1412
49455	7590	10/05/2006	EXAMINER	
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			HINDI, NABIL Z	
			ART UNIT	PAPER NUMBER
			2627	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,735

Applicant(s)

HWANG ET AL.

Examiner

NABIL Z. HINDI

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-110 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-26, 28, 31-34, 44, 48, 52, 54, 55, 59, 63-65 and 86-88 is/are allowed.
- 6) ☒ Claim(s) 1, 9-12 and 108-112 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6, 7 and 69-71 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims withdrawn from consideration are 5, 8, 13-23, 27, ²⁸30, 35-43, 45-47, 49-51, 53, 56-58, 60-62, 66-68, 70-85 and 89-107.

In response to applicant's response dated August 16, 2006. The following action is taken:

Applicant's election of species one drawn to fig 2 is acknowledged by the examiner.

Applicant's election with traverse indicating that no burden on the examines in examining all of the claims. However as indicated by the office action, the claims are drawn to at least six different species with 110 claims. The restriction is made final.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9-12 and 108-110 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al 7102972.

The reference shows the use of an optical disk having a lead-in area with a writable zone column 3 lines 1-19. the lead in area having drive and disk information recorded thereon as indicated by column 3 lines 20-40.

With respect to the limitation of claim 9. the use of an OPC to determine the optimum power, the addresses of the data segments and the write protection data within the optical disk (9CD or DVD) is well established in the art as stated by the reference prior art shown in fig 1.

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With respect to the limitation of claim 10. the use of a TOC in an optical disk is inherently present.

With respect to the limitation of claim 11. the reference is drawn to the use of defect management zones on the disk.

With respect to the limitation of claim 12 see claim 10 of the reference.

With respect to the limitations of claims 108-110. the claims are drawn to an alternative medium equivalence.

Claims 2-4, 6, 7, and 69-71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

None of the cited prior art shows or teaches an optical disk wherein the drive and the medium state information is updated in a different location of the previous drive and state information were recorded.

Claims 24-26, 28, 31-34, 44, 48, 52, 54, 55, 59, 63-65 and 86-88 are allowed. None of the cited prior art shows or teaches an optical disk wherein a new (updated) drive and medium state information is recorded in a different location of the previous drive and state information on the disk.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 6785196.

Any inquiry concerning this communication should be directed to NABIL Z. HINDI at telephone number (571) 272-7618.


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2627